

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

Docket No. 343.7121USU

As below named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our respective names.

We believe we are the original, and first joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR FRYING POTATO CHIPS
AND RELATED FOODSTUFFS

the specification of which

(check one) is attached hereto.

XX was filed on May 12, 2000 as Application Serial No. 09/554,345
and was amended on (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to us to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate(s) listed below and have also identified below any foreign application(s) for patent or inventor's certificate(s) having a filing date before that of the application on which priority is claimed:

| Prior Foreign Application(s) | | | Priority Claimed |
|-----------------------------------|----------------------------|--|---------------------|
| <u>2,220,908</u> (Number) | <u>Canada</u> (Country) | <u>November 12, 1997</u> (Day/Mon/Year Filed) | <u>X</u> Yes ___ No |
| <u>PCT/CA98/01054</u> (Number) | <u>PCT</u> (Country) | <u>November 10, 1998</u> (Day/Mon/Year Filed) | <u>X</u> Yes ___ No |
| _____ (Number) | _____ (Country) | _____ (Day/Mon/Year Filed) | ___ Yes ___ No |

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which

occurred between the filing date of the prior application and the national or PCT international filing date of this application:

(Application Serial No.) (Filing Date) (Status - patent, pend., abandon.)

(Application Serial No.) (Filing Date) (Status - patent, pend., abandon.)


POWER OF ATTORNEY: As named inventors, we hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

| NAMES | REGISTRATION NUMBERS |
|-----------------------|----------------------|
| Paul D. Greeley | 31,019 |
| Charles N.J. Ruggiero | 28,468 |
| Harry F. Smith | 32,493 |

| SEND CORRESPONDENCE TO: | DIRECT TELEPHONE CALLS TO: |
|---|---|
| Paul D. Greeley Ohlandt, Greeley, Ruggiero & Perle, L.L.P. One Landmark Square, 9th Floor Stamford, Connecticut 06901-2682 | Paul D. Greeley, Esq. Telephone: (203) 327-4500 Telefax: (203) 327-6401 |

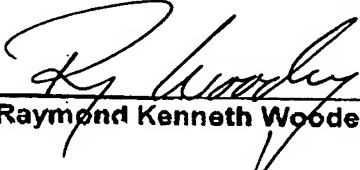
We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | | |
|-------------------------|-----------------------------------|--|---------------------|
| FULL NAME OF INVENTOR | LAST NAME SMITH | FIRST NAME CHRISTOPHER | MIDDLE NAME A. |
| RESIDENCE & CITIZENSHIP | CITY TORONTO | STATE OR COUNTRY CANADA | CITIZENSHIP CA |
| POST OFFICE ADDRESS | P.O. ADDRESS 87 WHITEHALL ROAD | CITY & STATE TORONTO, ONTARIO, CANADA | ZIP CODE M4W 2L8 |

Inventor's signature  Date Aug 31, 2000
Christopher A. Smith

| | | | |
|----------------------------|---------------------------------------|---|------------------------|
| FULL NAME OF INVENTOR | LAST NAME WOODEY | FIRST NAME RAYMOND | MIDDLE NAME KENNETH |
| RESIDENCE & CITIZENSHIP | CITY KITCHENER | STATE OR COUNTRY CANADA | CITIZENSHIP CA |
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Inventor's signature


Raymond Kenneth Woodey

Date

SEPT 6, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Christopher Smith and Raymond Kenneth Woodey
Serial No.: Not Yet Assigned
Filed: Concurrently Herewith
For: METHOD AND APPARATUS FOR FRYING POTATO CHIPS AND RELATED FOODSTUFFS
Attorney Docket No.: 343.7121USU

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR 1.8(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: CHIPPERY POTATO CHIP FACTORY, INC.
ADDRESS OF CONCERN: 45 ST. CLAIR AVENUE WEST, SUITE 45
TORONTO, ONTARIO V4V 1K9, CANADA

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.8(d) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled

**METHOD AND APPARATUS FOR FRYING
POTATO CHIPS AND RELATED FOODSTUFFS**

described in

☒ the specification filed herewith
☐ Application, Serial No.: _____, filed: _____
☐ Patent No.: _____, issued: _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.8(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.8(d) or a nonprofit organization under 37 CFR 1.8(e).

***NOTE:** Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME:

ADDRESS:

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION


I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:
TITLE OF PERSON OTHER THAN OWNER:
ADDRESS OF PERSON SIGNING:

Christopher Smith
President
St. Clair Avenue West
Suite 45
Toronto, ON M4V 1K9
Canada

SIGNATURE:  DATE: May 12, 2000